

Our Docket No: 42390P11153

PATENT

113

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Graunke, G.)
Application No.: 09/896,380)
Filed: June 29, 2001)
For: Method and Apparatus for)
Simultaneous Encryption and)
Decryption of Publicly Distributed)
Media)

Examiner: Not yet assigned
Art Unit: Not yet assigned

PETITION FOR REVOCATION OF
NOTICE TO FILE MISSING PARTS OF APPLICATION
(FILING DATE GRANTED)

FIRST CLASS CERTIFICATE OF MAILING
(37 C.F.R. § 1.8 (e))

This correspondence is being deposited with the United States Postal Service at sufficient postage in an envelope addressed to the Commissioner for Patents, Washington, D.C.

on September 4, 2001
Date of Deposit

Assistant Commissioner for Patents
Box Petitions
Washington, D.C. 20231

Sir:

Applicant hereby petitions for revocation of the Notice to File Missing parts of Nonprovisional Application (Filing Date Granted) mailed August 21, 2001, and for the acceptance of the application identified above as complete and ready for examination.

The present application was originally filed on June 29, 2001 under Rule 53(b) with the complete application specification and drawings and an original declaration and power of attorney executed by the inventor. The contents of the original submission are stated on the Utility Patent Application Transmittal form (copy enclosed) and were verified by the Applications Branch and confirmed in the return postcard received from the Applications Branch (copy enclosed).

As can be seen from the file, the original executed Declaration of Inventorship (copy enclosed) identifies the application by title, attorney docket number, and filing date (herewith). This has been declared by the Office in Official Gazette Notices for many years to be sufficient when the declaration is executed and filed together with the application as it was in this case. Docket No.: 42390P11153
Application No.: 09/896,380

The Notice states that a "properly signed oath or declaration in compliance with 37 CFR 1. 63, identifying the application by the above Application Number and Filing Date, is required." Such a requirement is in violation of the long standing practice mentioned above. In addition, it is impossible for an inventor to comply with when the declaration is executed before the filing of the application, as in the present case.

Accordingly, Applicants respectfully petition for the Notice to be withdrawn. In addition, Applicants respectfully request a refund of the petition fee as the Notice was clearly issued by the Office in error.

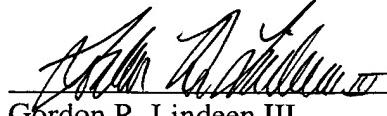
Please find enclosed:

- (1) a copy of the Utility Patent Application Transmittal setting forth the contents of the original submission;
- (2) a copy of the postcard from the Applications Branch acknowledging receipt of the signed declaration and power of attorney;
- (3) a copy of the executed Declaration and Power of Attorney duly filed with the above-referenced patent application;
- (4) a check in the amount of \$130.00 in payment of the petition fee of 37 C.F.R. § 1.17(h); and
- (5) a copy of the Notice to File Missing Parts of Application;

If any additional fee is required, please charge Deposit Account No. 02-2666. A duplicate of this Petition is enclosed for deposit account charging purposes.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 8/4/1



Gordon R. Lindeen III
Reg. No. 33,192

12400 Wilshire Blvd., 7th Floor
Los Angeles, California 90025-1026
(303) 740-1980